

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Gianni MINGANTI

Art Unit: 1791

Application No.: 10/537,904

371 (c) June 14, 2006

Examiner: Christopher T. Schatz

I. A. Filed: January 23, 2003

Washington, D.C.

For: METHOD AND PLANT FOR APPLYING A HEAT-SHRINKABLE LABEL TO  
CONTAINERS

Atty.'s Docket: MINGANTI-1

Confirmation No.: 9222

Customer Service Window, Mail Stop Amendment

Date: June 12, 2009

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Randolph Building, 401 Dulany Street  
Alexandria, Virginia 22314

Sir:

Transmitted herewith is a REPLY TO ELECTION OF SPECIES OFFICE ACTION in the above-identified application.

[XX] Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

[XX] No additional fee is required.

[ ] The fee has been calculated as shown below:

(Col. 1)		(Col. 2)		(Col. 3)
CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR		PRESENT EXTRA EQUALS
TOTAL	*	MINUS	** 20	0
INDEP.	*	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 26	\$
x 110	\$
= 195	\$
ADDITIONAL FEE TOTAL	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 52	\$
x 220	\$
= 390	\$
TOTAL	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

\*\*\* If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

[XX] Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefore.

[ ] It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

## Small Entity

## Response Filed Within

[ ] First - \$ 65.00  
 [ ] Second - \$ 245.00  
 [ ] Third - \$ 555.00  
 [ ] Fourth - \$ 865.00

## Month After Time Period Set

[ ] Less fees (\$ ) already paid for month(s) extension of time on .

## Other Than Small Entity

## Response Filed Within

[ ] First - \$ 130.00  
 [ ] Second - \$ 490.00  
 [ ] Third - \$ 1110.00  
 [ ] Fourth - \$ 1730.00

## Month After Time Period Set

[ ] Please charge my Deposit Account No. 02-4035 in the amount of \$ .

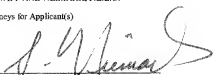
[ ] Credit card payment authorizing payment in the amount of \$ .

[ ] A check in the amount of \$ is attached (check no. ).

[XX] The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

BROWDY AND NEIMARK, P.L.L.C.

Attorneys for Applicant(s)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: MINGANTI=1

In re Application of:	)	Conf. No.: 9222
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Gianni MINGANTI	)	Art Unit: 1791
	)	
Appln. No.: 10/537,904	)	Examiner: C. T. SCHATZ
	)	
I.A. Filed: 01/23/2003	)	Washington, D.C.
371(c): 06/14/2006	)	
	)	
For: METHOD AND PLANT FOR	)	June 12, 2009
APPLYING A HEAT-SHRINKABLE)	)	
LABEL TO CONTAINERS	)	

REPLY TO ELECTION REQUIREMENT OFFICE ACTION

Honorable Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop Amendment  
Randolph Building, 401 Dulany Street  
Alexandria, VA 22314

Sir:

The applicant is in receipt of the Office Action mailed May 29, 2009, in which a restriction and election of species have been required.

First, the claims under consideration are the IPER claims 1-12, not the original claims 1-24. The PTO file should have a copy of the International Preliminary Examination Report (IPER) with claims 1-10 to be substituted for original claims 1-24 for examination in this case, and upon entry into the U.S. National Phase on June 7, 2005, applicant submitted a duplicate (courtesy) copy of same,

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noting the bottom of page 1 of the transmittal letter. As claims 1-10 are only directed to the labeling plant corresponding to Group II, it is the labeling plant invention which applicant elects.

There are a series of election of species requirements, namely three (3) separate election of species requirements. These are all respectfully traversed for the reasons given below, and applicant hereby respectfully and provisionally elects, without prejudice, as follows: species A1, species B1, and species C1.

The claims which read on elected species A1 are claims 1-3 and 4-10.

The claims which read on elected species B1 are all of claims 1-10.

The claims which read on elected species C1 are all of claims 1-10.

The three requirements are respectfully traversed on the basis that unity of invention under PCT Rules 13.1 and 13.2 inherently exists by virtue of the generic claims which recite the same or corresponding special technical features, causing the species to be linked so as to form a single general inventive concept. Applicant knows of no prior art which would establish that the common technical features

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shared by the species do not make a contribution over the prior art, i.e. applicant submits that the references cited in paragraph 2 on page 2 do not anticipate or make obvious the subject matter of even the broadest claim 1 of the present application.

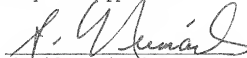
While applicant understands that the U.S. examiner is not bound by the International Preliminary Examination Report, it is noted that page 2 of such report (page 2 of Form PCT/IPEA/409) states that claims 1-10 possess novelty, inventive step and industrial applicability. The International Examiner's reasoning appears under Item IV of the IPER, reference D2 corresponding to Heyne and reference D4 corresponding with Doherty.

Favorable consideration is respectfully requested.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
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